

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOSEPH P. SHELTON,

Petitioner,

No. C 10-01100 PJH

vs.

JOHN C. MARSHALL, Warden,

Respondent.

**ORDER GRANTING LEAVE  
TO FILE MOTION FOR  
RECONSIDERATION;  
SETTING BRIEFING  
SCHEDULE**

On March 15, 2012, the court denied respondent's motion to dismiss this habeas case on various grounds. On April 3, 2012, respondent filed a "motion to alter or amend" the order under Federal Rule of Civil Procedure 59(e). Because there has been no judgment in this case, respondent's instant motion is actually one for reconsideration of an interlocutory order and requires leave of the court pursuant to Civil L.R. 7-9(a), which this court will grant. Petitioner's opposition to the motion is due no later than **Wednesday, April 18, 2012**. Respondent's reply is due **Wednesday, April 25, 2012**.

The motion will be decided on the papers.

**IT IS SO ORDERED.**

Dated: April 4, 2012



PHYLLIS J. HAMILTON  
United States District Judge